

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALEX PACIFICO, on behalf of himself and all others similarly situated,

Plaintiff,

- against -

MIDLAND CREDIT MANAGEMENT, INC. and
JOHN AND JANE DOES 1-10,

Defendant(s).

Docket No: 2:21-cv-661

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Midland Credit Management, Inc. (“Defendant”) hereby gives notice of the removal of this action from the Supreme Court of the State of New York, County of Suffolk, where it is now pending, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, Defendant states that:

1. Plaintiff filed a Summons with Notice in this action styled *Alex Pacifico, on behalf of himself and all others similarly situated v. Midland Credit Management, Inc. and John and Jane Does 1-10.*, bearing Index No. 600780/2021 before the Supreme Court of the State of

New York, County of Suffolk. A copy of the Summons with Notice is annexed hereto as Exhibit A.

2. The Summons with Notice was filed on or about January 14, 2021.

3. The Summons with Notice alleges, in sum and substances, that the Defendant violated the Federal Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* and New York’s General Business Law §349. Accordingly, this action may be removed pursuant to 28 U.S.C. § 1441 as this Court has federal question jurisdiction under 28 U.S.C. §1331.

4. Additionally, the Court has supplemental jurisdiction over any state law claims, to the extent such claims exist, pursuant to 28 U.S.C. § 1367.

5. This Notice of Removal is timely filed within thirty (30) days after Defendant first received a copy of the initial pleadings setting forth the claims for relief and existence of federal questions jurisdiction. 28 U.S.C. §1446(b); *See Boone v. Thane*, 07-CV-4358 (SLT)(VVP), 2009 WL 910556 at *2 (E.D.N.Y. March 31, 2009); *citing Fernandez v. Hale Trailer Brake & Wheel*, 332 F.Supp.2d 621, 624 (S.D.N.Y. 2004).

6. A civil cover sheet accompanies this Notice of Removal.

7. Written notice of this Notice of Removal will be filed in the Supreme Court of the State of New York, County of Suffolk.

WHEREFORE, Defendant Midland Credit Management, Inc. respectfully requests that this action be removed from the Supreme Court of the State of New York, County of Suffolk to the United States District Court for the Eastern District of New York.

Dated: New York, New York
February 8, 2021

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